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TAGS: PHUM PREL VM HUMANR RELFREE

SUBJECT: UPDATE ON PRISONERS OF CONCERN

¶1. (U) On July 21, the MFA's International Organizations Department provided an update dated July 17 on 28 persons of concern, whose names had been on a longer list provided by the Embassy earlier this year, covering both religious and political prisoners. The MFA's information is quoted below verbatim, with some parenthetical comments/additional information from Embassy. (The categories are also of the Embassy's design, for ease in reference.) The MFA promised that "information is being checked" on the other 33 cases, many involving ethnic minority Protestants, without any indication of when such additional updates may be forthcoming.

¶2. (U) Comment: The MFA's willingness to interface with MPS and obtain this information, however time-consuming the process has been, is a good sign of cooperation, even if there is little good news. Still, seven confirmed releases -- some of which are long-standing religious prisoners about whom no information had been available for years -- welcome and will be reflected in this year's reports on international religious liberty and on human rights. End comment.

Releases

¶3. (U) Ho Vu Khanh: Arrested 1 January 1983, charged with "attempting to overthrow the Government" as provided for under Article 79 of Vietnam's Criminal Law and sentenced to a life imprisonment. In 1999, his sentence was reduced to 20 years' imprisonment. His term ended on 19 January 2003. As of today, he is a normal citizen. (Per Embassy's earlier information, Khanh is a Cao Dai arrested in 1977, believed still to have been imprisoned in Hanoi or possibly even no longer alive.)

¶4. (U) Tran Van Nhi: Arrested 29 October 1983, charged with "attempting to overthrow the Government" as provided for under Article 79 of Vietnam's Criminal Law and sentenced to a life imprisonment, later reduced to 20-year imprisonment. His term was expected to end on 29 July 2002. However, he was granted freedom on the occasion of the amnesty of 2 September 2000. He's now residing in Vi Thanh, Can Tho. (Per Embassy's earlier information, Nhi was another Cao Dai arrested in 1977, also believed either to be imprisoned in Hanoi or possibly no longer alive.)

¶5. (U) Truong Van Thuc: Born 1946. Arrested on 28 March 2000 on charge as provided for under Article 87 of Vietnam's Criminal Law and sentenced to 3 years' imprisonment. He was released on the occasion of the amnesty of 2 September 2002. He is a free citizen. (Per Embassy's earlier information, Thuc is a Hoa Hao believed still imprisoned.)

¶6. (U) Vo Van Buu: Born 1969. Arrested on June 2000 on charge of opposing an official in the performance of his public duty, as provided for under Article 257 of Vietnam's Criminal Law and sentenced to 24 months' imprisonment by the People's Court of An Giang province. He is a free citizen. (Per Embassy's earlier information, Buu is a Hoa Hao believer thought to have been given a 30 year sentence in September 2000.)

¶7. (U) Nguyen Xuan Tu (Ha Sy Phu) is a free citizen. (Per Embassy's earlier information, he had been under an administrative probation order ending in March 2003.)

¶8. (U) Hoang Minh Chinh (alias Tran Ngoc Nghiem, Le Hong) is a free citizen. (Per Embassy's earlier information, he has variously been under administrative probation and heightened scrutiny.)

¶9. (U) Bui Minh Quoc is a free citizen. (Per Embassy's earlier information, this poet was detained on charges of possessing anti-government literature on January 14, 2002 and given a two year administrative probation term in March 2002.)

Still imprisoned, but new information

¶10. (U) Huynh Van Ba (Thich Thien Minh): Born 1955, in Ca Mau. Arrested 21 March 1987 for "attempting to overthrow the government" as provided for under Article 79 of

Vietnam's Criminal Law and sentenced to life imprisonment, later his sentence was reduced to 20-year imprisonment. Now serving his term at Xuan Loc detention camp, Dong Nai province. In good health.

¶11. (U) Nguyen Thien Phung, Bernard (Nguyen Viet Huan): Born 1950. Arrested 13 June 1987 for "sabotaging the national unity policy" as provided for under Article 87 of Vietnam's Criminal Law and sentenced to a life imprisonment, later this sentence was reduced to 20-year imprisonment. Now serving his term at Xuan Loc detention camp, Dong Nai province. In good health. (Per Embassy's earlier information, he was a member of the Order of the Mother Co-Redemptrix.)

¶12. (U) Pham Minh Tri (Pham Ngoc Lien, John B.): Born 1944, residing in Ho Chi Minh City. Arrested on 21 May 1987 for "sabotaging the national unity policy" as provided for under Article 87 of Vietnam's Criminal Law and sentenced to a 20 year imprisonment. Now he is serving his term at Xuan Loc prison, Dong Nai province. (Per Embassy's earlier information, he also was a member of the Order of the Mother Co-Redemptrix.)

¶13. (U) Nguyen Chau Lang: Born 1956. Arrested 28 March 2001 on charge as provided for under Article 87 of Vietnam's Criminal Law and sentenced to 3 years' imprisonment. Now serving his time in Xuan Loc camp, Dong Nai province. In good health. (Per Embassy's earlier information, Lang aka Lan was another Hoa Hao believer thought to have been sentenced on September 26, 2000 to a three year term.)

¶14. (U) Ha Hai: Born 1931. Arrested on 19 November 2000 on charge as provided for under Articles 258 and 269 of Vietnam's Criminal Law and sentenced to a 5 year imprisonment. Now serving his term at Xuan Loc prison camp, Dong Nai province. In good health. (Per Embassy's earlier information, Hai is the third ranking officer of the Hoa Hao Central Buddhist Church, sentenced to 5 years on January 16, 2001.)

¶15. (U) Truong Van Duc: Carried out anti-Government armed terrorist activities from 1975 to 1986, arrested in September 1984 on charge of participating in an anti-Government armed group (namely "Army of the Volunteers") and illegally storing weapons. He escaped the prison in December 1986 and later renewed his illegal activities until being arrested on 8 February 2001. May 11, 2001, Duc was sentenced to 12 years' imprisonment by the People's Court of An Giang province. Now serving his term in Dinh Thanh camp, An Giang province. (Per Embassy's earlier information, Duc is a Hoa Hao believer sentenced May 20, 2001 in connection with a December 20, 2000 incident.)

¶16. (U) Ho Van Trong: Member of the same group as Truong Van Duc. Arrested on 20 December 2000 on charge of carrying out activities in violation of Vietnamese law and of opposing an official in the performance of his public duty, as provided for under Article 257 of Vietnam's Criminal Law. He was sentenced May 11, 2001 by the People's Court of An Giang province to 4 years' imprisonment for violating Article 269 of the Penal Code. Now serving his time in Dinh Thanh camp, An Giang province. In good health. (Per Embassy's earlier information, Trong is another Hoa Hao believer, thought to have been sentenced May 20, 2001 in connection with a December 20, 2000 incident.)

¶17. (U) Nguyen Van Ly: Ly carried out activities in violation of the Vietnamese law:
-- in 1977, Ly was dismissed as General Bishop See's Secretary by Archbishop and appointed to Bishop of Doc So,

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Huong Son;

-- In 1981, late Archbishop Nguyen Kim Dien issued a decision to deprive Ly of his right to exercise missionary work because of his self-indulgent life style, violating the code of ethics and the Christian rules, and damaging the credibility of the Church;

-- The public trial of Nguyen Van Ly on charge of "incompliance with the decision on administrative probation issued by the authorized entity" and "undermining the national unity policy" (Articles 269 and 87 of the Penal Code, respectively) was opened on 19 October 2001 in Hue City by the Thua Thien-Hue provincial People's Supreme Court. At the trial, in the face of undeniable evidence, Ly pled guilty. Pursuant to Article 269 and Article 87 of the Penal Code respectively, the Court Council sentenced him to 2 years' imprisonment on charge of "incompliance with the decision on administrative probation issued by the authorized entity" and 13 years' imprisonment on charge of "undermining the national unity policy."

-- Aggregately, Ly was sentenced to 15 years' imprisonment, plus 5 years' probation at the resident locality following the completion of his jail term.

-- On July 16, 2003, the People's Court of the Nam-Ha

province decided to reduce Ly's sentence by 5 years as he made progress in the reeducation process. (Note: See Hanoi 1831 and 1821.)

18. (U) Hoang Trong Dung: Born in 1980 in Nguyet Bieu, Thuy Bieu, Hue City, Thua Thien-Hue province. He carried out activities in violation of Vietnamese law, such as inciting people to hinder the building process of the new canal in Nguyet Bieu, causing public disorder, inciting the Catholics to illegitimately occupy the land owned by a number of households residing next to the Jehovah Church, causing public disorder during the National Assembly election in Thuy Bieu hamlet, inciting the Catholics to occupy the land in Nguyet Bieu hamlet. On August 1, 2002, the Chairman of the People's Committee of Thua Thien-Hue province signed an order in strict accordance with Decision 1994/QD-UB to take Dung to an education facility. He's now complying with the Decision in Hoang Cat education facility, Quang Tri province. In good health. (Per Embassy's earlier information, Dung is affiliated with Father Nguyen Van Ly and had been thought to have been detained August 28, 2002.).

19. (U) Le Chi Quang: Born 1970, unemployed, resident in Trung Liet Quarter, Dong Da District, Ha Noi. Charged under Paragraph C, provision 1, Article 88 of the Criminal Law of the Socialist Republic of Viet Nam in 1999. On 8 November, 2002, People's Court of Ha Noi opened Court of First Instance against Quang. The Court sentenced Quang for 4 year imprisonment and another 3 year on-site surveillance after imprisonment fulfillment. (Per Embassy's earlier information, there is concern about treatment of his liver condition; he is believed to be in B-14 prison near Hanoi.)

20. (U) Pham Hong Son: Born 1968 in Nam Dinh, doctor MBA, resident in 72B Thuy Khue Street, Hanoi, work in the pharmaceutical company of Trade Wind Asia in Hanoi. On 18 June, the Ha Noi People's Court tried the case of Pham Hong Son on charge of "espionage" crime. According to the indictment stated by the Supreme People's Court, on March 27, 2003, based on the verified reports of the information management unit, Security Investigation Organization, Ministry of Public Security, made an immediate arrest against Pham Hong Son, a staff member in the Tradewind ASIA pharmaceutical company. Search of his house at No. 72B Thuy Khue St., Tay Ho district, Hanoi revealed a number of documents and a hard computer disk full of contents against the State. With all these evidences and his declaration during the court hearing, the court ruled that Son had committed "espionage" crime as stipulated in Item C, Clause 1, article 80 of the Criminal Code of the Socialist Republic of Viet Nam, and sentenced him to 13 years in prison and three years under administrative probation on espionage charges. (Note: This oddly redundant description omits the actual date of his sentencing -- June 17, 2003 -- and suggests that Son more or less confessed, contrary to Embassy's earlier information. end note)

21. (U) Nguyen Dinh Huy (alias Ngo Tran Huan, Nguyen Viet Thanh, Viet Huy): Born 1932. Arrested 17 November 1993 for "attempting to overthrow the government" as provided for under Article 79 of Vietnam's Criminal Law. Received life sentence, later his sentence is reduced to 20 year imprisonment. Now serving his term at Xuan Loc prison, Dong Nai province. In good health. (Per Embassy's earlier information, Huy was imprisoned only in May 1996 but suffers from Parkinson's disease.)

22. (U) Nguyen Ngoc Tan (alias Pham Tu San, Pham Thai), born 1921. Charged with "attempting to overthrow the Government," arrested on February 11, 1995, sentenced to 11 years' imprisonment. He's now serving his time in Xuan Loc camp, Dong Nai Province. (Per Embassy's earlier information, Tan had been sentenced in August 1995.)

23. (U) Nguyen Khac Toan: born 1955 in Ha Noi. Charged with conducting spying activities provided for under Paragraph C, Provision 1, Article 80 of the Criminal Law, and sentenced to a 12 year imprisonment and another 3 year on-site surveillance after imprisonment fulfillment. (Note: Sentenced handed down December 20, 2002.)

Still awaiting trial

24. (U) Nguyen Vu Binh: Born in 1968. Binh transferred state-secret documents abroad. Arrested and his case is now under investigation to be prosecuted to the court in accordance with the law. (Per Embassy's earlier information, Binh was detained September 25, 2002. The charge of passing state secrets abroad is new to us, but not surprising.)

25. (U) Pham Que Duong: Born 1931. Arrested January 2003 and his case is now under investigation to be prosecuted to the court in due process of law. (Per Embassy's earlier

information, Duong had been detained in Ho Chi Minh City on December 27, 2002 and is believed to be detained in B-14 prison near Hanoi. Foreign media reports have suggested the charge against him will be espionage.)

126. (U) Nguyen Dan Que: Born 1942. Arrested on 14 June 1990. Sentenced to 20 years' imprisonment on charge of "attempting to overthrow the Government." Released on the occasion of the amnesty of 2 September 1998. Arrested on 17 March 2003 on violation of Article 80 of the Penal Code. His case is now under investigation to be prosecuted to the court in due process of law. (Per Embassy's earlier information, Dr. Que is in detention near Ho Chi Minh City. His family has not been allowed to visit him.)

127. (U) Tran Van Khue (Tran Khue): Born 1936. Arrested in January 2003 and waiting for trial. (Per Embassy's earlier information, he was actually detained in Ho Chi Minh City December 28, 2002 and is believed still to be in HCMC. Foreign media reports have suggested the charge against him will be espionage.)

Unclear status

128. (U) Le Quang Liem: ex-lieutenant colonel of he quisiling (sic) regime of the "Republic of Vietnam," ex-president of the Democratic Social Party, ex-governor of Khanh Hoa province. In the past (1972), Liem established his own congregation. He was sacked by the Church afterward. After the Hoa Hao Buddhism had elected its Representative Board of the Hoa Hao Buddhism Congregation, Liem was invited to take part in the Congress of the Board. He came to the event without recognizing the Board and asked to establish his own Congregation. Hoa Hao Buddhist monks opposed him. On the occasion of the foundation of the Hoa Hao Buddhism (30 March 2000), Liem masterminded some sabotaging activities, including the attempt to create blasts at the worshipping site of Huynh families and An Hoa Pagoda to complicate the situation and blame the authorities for crack-down on Hoa Hao Buddhist monks, provoking extremist monks to set themselves in fire for martyrdom. (Per Embassy's earlier information, Liem founded and chaired the non-recognized Hoa Hao Central Buddhist Church and was placed under Administrative probation in late March 2001.)

129. (U) Nguyen Thanh Giang: Born 1936. Giang is living as a free citizen in Hanoi without being put under surveillance as purportedly said.

130. (U) Hoang Tien: Is a free citizen in Hanoi. (Note: Other reports indicate that his phone line has been severed, he is forbidden to publish, and is probably under heightened surveillance.)

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